

Practitioner's Docket No. 4473-27

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of  
 Inventor(s): Eran Steinberg

**WARNING:** 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(f) is filed supplying or changing the name or names of the inventor or inventors."

For (title): **IN CAMERA MESSAGING AND ADVERTISEMENT SYSTEM**

## CERTIFICATION UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date May 17, 1999, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EM568412754, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Patty Santana

(type or print name of person mailing paper)

Patty Santana

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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05/17/99  
 JC665 U.S. PTO

Jc135 U.S. PTO  
 09/313131  
 05/17/99

## 1. Type of Application

This new application is for a(n)

(check one applicable item below)

☐ Original (nonprovisional)

☐ Design

☐ Plant

**WARNING:** Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

**WARNING:** Do not use this transmittal for the filing of a provisional application.

**NOTE:** If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

☐ Divisional.

☐ Continuation.

☒ Continuation-in-part (C-I-P).

## 2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

**NOTE:** A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in § 1.51(b); or

(iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or

(iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

**NOTE:** If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

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**WARNING:** When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

### 3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

16 Pages of specification

10 Pages of claims

9 Sheets of drawing

**WARNING:** DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).

**NOTE:** "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page . . ." 37 C.F.R. § 1.84(c).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).

☐ formal

☐ informal

### B. Other Papers Enclosed

2 Pages of declaration and power of attorney

1 Pages of abstract

0 Other

### 4. Additional papers enclosed

- ☐ Amendment to claims

☐ Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. § 1.98)

☐ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or oath (including power of attorney)

NOTE: A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)-(3).

NOTE: A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name including family name and at least one given name, without abbreviation together with any other given name or initial, and the residence, post office address and country or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)-(4).

☒ Enclosed  
Executed by

(check all applicable boxes)

- ☐ inventor(s).
- ☐ legal representative of inventor(s).  
37 C.F.R. §§ 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
  - ☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

NOTE: Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

- ☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).

- ☐ Showing that the filing is authorized.  
(not required unless called into question. 37 C.F.R. § 1.41(d))

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## 9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

- ☐ is (are) attached.  
☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. § 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. § 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 10. Fee Calculation (37 C.F.R. § 1.16)

A. ☒ Regular application

CLAIMS AS FILED				
Number filed	Number Extra		Rate	Basic Fee 37 C.F.R. 1.16(a) \$760.00
Total				
Claims (37 C.F.R. § 1.16(c))	48	- 20 = 28	×	\$ 18.00
Independent				
Claims (37 C.F.R. § 1.16(b))	4	- 3 = 1	×	\$ 78.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			+	\$260.00

- ☐ Amendment cancelling extra claims is enclosed.  
☐ Amendment deleting multiple-dependencies is enclosed.  
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing Fee Calculation \$ 1342

B. ☐ Design application  
(\$310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation \$

C. ☐ Plant application  
(\$480.00—37 C.F.R. § 1.16(g))

Filing fee calculation \$

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## 6. Inventorship Statement

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
- ☐ will be submitted.

## 7. Language

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 C.F.R. § 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. § 1.52(d).

☒ English

☐ Non-English

- ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

## 8. Assignment

☒ An assignment of the invention to FotoNation, Inc.

☒ is attached. A separate ☒ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☒ will follow.

**NOTE:** "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

**WARNING:** A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

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## 11. Small Entity Statement(s)

- ☒ Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

**WARNING:** "Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. § 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 1.28(a)(2).

**WARNING:** "Small entity status must not be established when the person or persons signing the . . . statement can *unequivocally* make the required self-certification." M.P.E.P., § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application  
\_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit  
is being claimed for this application under:

35 U.S.C. § ☐ 119(e),  
☐ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 671.00

**NOTE:** Any excess of the full fee paid will be refunded if small entity status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

## 12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee

\$ 671.00

☒ Recording assignment

(\$40.00; 37 C.F.R. § 1.21(h))

(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION".)

\$ 40.00

☐ Petition fee for filing by other than all the  
inventors or person on behalf of the inventor  
where inventor refused to sign or cannot be  
reached

(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))

\$

☐ For processing an application with a  
specification in  
a non-English language  
(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))

\$

☐ Processing and retention fee

(\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))

\$

☐ Fee for international-type search report

(\$40.00; 37 C.F.R. § 1.21(e))

\$

NOTE: 37 C.F.R. § 1.21(f) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(f) must be paid, within 1 year from notification under § 53(f).

Total fees enclosed

\$ 711.00

14. Method of Payment of Fees

☒ Check in the amount of \$ 711.00

☐ Charge Account No. \_\_\_\_\_ in the amount of  
\$ \_\_\_\_\_

A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

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### 15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should *not* be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 08-0520:

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. § 1.17 (application processing fees)

**NOTE:** “. . . A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.” 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. § 1.28(b) requires “Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . .” From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as “other than a small entity” and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

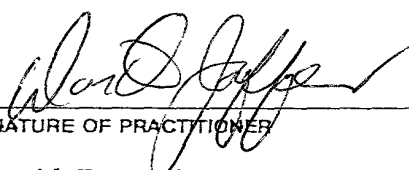
NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.25(a).

☒ Credit Account No. 08-0520  
☒ Refund

Reg. No. 32,243

Tel. No. (408) 280-2800

Customer No.

  
SIGNATURE OF PRACTITIONER

David H. Jaffer

(type or print name of attorney)

ROSENBLUM, PARISH & ISAACS

P.O. Address

160 W. Santa Clara Street, 15th Floor  
San Jose, CA 95113

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☒ **Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 5

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

☐ **Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

☐ This transmittal ends with this page.

ADDED PAGE(S) FOR SPECIAL COMMENTS FOR NEW APPLICATION  
TRANSMITTAL

Added page\_\_\_\_\_

(Added Page(s) for Special Comments for New Application Transmittal [4-1])

Practitioner's Docket No. \_\_\_\_\_

**PATENT**

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED**

NOTE See 37 C.F.R. § 1.78.

**17. Relate Back**

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(complete the following, if applicable)

☐ Amend the specification by inserting, before the first line, the following sentence:

**A. 35 U.S.C. § 119(e)**

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).

☐ "This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

FILING DATE

_____ / _____	_____ "
_____ / _____	_____ "
_____ / _____	_____ "

B. 35 U.S.C. §§ 120, 121 and 365(c)

NOTE: "Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. . . . Cross-references to other related applications may be made when appropriate." (See § 1.14(a)). 37 C.F.R. § 1.78(a)(2).

- ☒ "This application is a  
☐ continuation  
☒ continuation-in-part  
☐ divisional

of copending application(s)

- ☒ application number 09 / 105,594 filed on 6-26-98; App. No. 09/187,706 filed on 11-6-98; and App. No. 09/211,992 filed on 12-14-98.  
☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

NOTE: The proper reference to a prior filed PCT application that entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application that designated the U.S.

NOTE: (1) Where the application being transmitted adds subject matter to the International Application, then the filing can be as a continuation-in-part or (2) if it is desired to do so for other reasons then the filing can be as a continuation.

NOTE: The deadline for entering the national phase in the U.S. for an international application was clarified in the Notice of April 28, 1987 (1079 O.G. 32 to 46) as follows:

"The Patent and Trademark Office considers the International application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (n) of § 1.494 and paragraph (f) of § 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application."

- ☐ "The nonprovisional application designated above, namely application \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_, claims the benefit of U.S. Provisional Application(s) No(s): \_\_\_\_\_

APPLICATION NO(S):

FILING DATE

_____ / _____	_____ "
_____ / _____	_____ "
_____ / _____	_____ "

- ☐ Where more than one reference is made above, please combine all references into one sentence.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed  
[4-1.1]—page 2 of 5)

**18. Relate Back—35 U.S.C. § 119 Priority Claim for Prior Application**

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appln. no.	Filed on
---------	------------	----------

The certified copy(ies) has (have)

- ☐ been filed on \_\_\_\_\_, in prior application 0 / \_\_\_\_\_, which was filed on \_\_\_\_\_.
- ☐ is (are) attached.

**WARNING:** The certified copy of the priority application that may have been communicated to the PTO by the International Bureau may not be relied on without any need to file a certified copy of the priority application in the continuing application. This is so because the certified copy of the priority application communicated by the International Bureau is placed in a folder and is not assigned a U.S. serial number unless the national stage is entered. Such folders are disposed of if the national stage is not entered. Therefore, such certified copies may not be available if needed later in the prosecution of a continuing application. An alternative would be to physically remove the priority documents from the folders and transfer them to the continuing application. The resources required to request transfer, retrieve the folders, make suitable record notations, transfer the certified copies, enter and make a record of such copies in the Continuing Application are substantial. Accordingly, the priority documents in folders of international applications that have not entered the national stage may not be relied on. Notice of April 28, 1987 (1079 O.G. 32 to 46).

**19. Maintenance of Cependency of Prior Application**

**NOTE:** The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

**A. ☐ Extension of time in prior application**

(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)

- ☐ A petition, fee and response extends the term in the pending prior application until \_\_\_\_\_.
- ☐ A copy of the petition filed in prior application is attached.

**B. ☐ Conditional Petition for Extension of Time in Prior Application**

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition filed in the prior application is attached.

**20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

*(complete applicable item (a), (b) and/or (c) below)*

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
- ☐ the same.
  - ☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

\_\_\_\_\_  
*(type name(s) of inventor(s) to be deleted)*

- (b) ☒ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are
- ☒ the same.
  - ☐ the following additional inventor(s) have been added:

\_\_\_\_\_  
*(type name(s) of inventor(s) to be added)*

- (c) The inventorship for all the claims in this application are
- ☒ the same.
  - ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
    - ☐ is submitted.
    - ☐ will be submitted.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed  
[4-1.1]—page 4 of 5)



**21. Abandonment of Prior Application (if applicable)**

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

*NOTE:* According to the Notice of May 13, 1983 (103, TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

**22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

*WARNING:* "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." M.P.E.P., § 706.07(b), 6th ed., rev. 2.

*NOTE:* Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

(check the next item, if applicable)

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

**23. Small Entity (37 C.F.R. § 1.28(a))**

- ☐ Applicant has established small entity status by the filing of a statement in parent application /\_\_\_\_\_ on \_\_\_\_\_.
- ☐ A copy of the statement previously filed is included.

*WARNING:* See 37 C.F.R. § 1.28(a).

*WARNING:* "Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P., § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).

**24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

- ☒ A notification of the filing of this  
(check one of the following)

- ☐ continuation
- ☒ continuation-in-part
- ☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed  
[4-1.1]—page 5 of 5)

ROSENBLUM  
PARISH &  
ISAACS  
A LAW CORPORATION

May 17, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eran Steinberg

Serial No.: CIP of 09/105,594, Filed June 26, 1998; 09/187,706  
Filed November 6, 1998; and 09/211,992 Filed December  
14, 1998

For: "IN CAMERA MESSAGING AND ADVERTISEMENT SYSTEM"

Our File: 4473-27

Hon. Commissioner of Patents  
and Trademarks  
Box Patent Application  
Washington, D.C. 20231

Re: Continuation-in-Part Application

Dear Sir:

Enclosed are the following:

1. A New Application Transmittal with Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed based upon parent application serial nos. 09/105,594, filed June 26, 1998; 09/187,706, filed November 6, 1998; and 09/211,992 filed December 14, 1998;
2. Check no. 11971 for the filing fee in the amount of \$711.00;
3. New 27 page specification;
4. 9 pages of drawings;
5. Declaration, Petition and Power of Attorney document (signed);

4473 0027 PMS1514.DOC

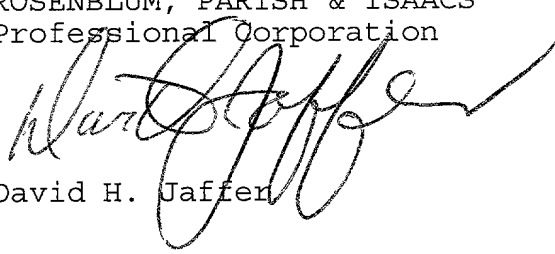
May 17, 1999  
Page 2

6. Verified Statement Claiming Small Entity Status (signed);
7. Assignment with Recordation Cover Sheet;
8. Copy of Notification of Filing of Continuing or Divisional Application filed in each parent case; and
9. A postcard for return as confirmation of receipt of the above materials.

Please acknowledge receipt of these materials by stamping the date on the enclosed, stamped self-addressed cards. The Commissioner is authorized to charge any required additional fees or credit any overpayment to Deposit Account 08-0520.

Respectfully submitted,

ROSENBLUM, PARISH & ISAACS  
Professional Corporation

  
David H. Jaffer

Enclosures

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EM568412754 in an envelope addressed to: Box Patent Application, Commissioner of Patents & Trademarks, Washington, D.C. 20231 on 5-17-99 by Patty Santana.

Patty Santana

Attorney's File No: 4473-27

Applicant or Patentee: Eran Steinberg

Serial/Patent Number: \_\_\_\_\_

Filed/Issued \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN)**

I am ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below;

Name of Concern: FotoNation Inc.

Address of Concern: 199 California Drive, Millbrae, CA 94030

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: **IN CAMERA MESSAGING AND ADVERTISEMENT SYSTEM** by Eran Steinberg described in:

- ☒ the specification filed herewith.  
☐ application Serial No. \_\_\_\_\_ Filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_ Issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate Verified Statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS ☐ NONPROFIT ORG.

I acknowledge my duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the Issue Fee or any Maintenance Fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Verified Statement is directed.

NAME OF PERSON SIGNING: Eran Steinberg

TITLE: Vice President

ADDRESS OF PERSON SIGNING:

SIGNATURE: 

Date: Apr 9 99

1 Specification

2 **IN CAMERA MESSAGING AND ADVERTISEMENT SYSTEM**

3 This is a Continuation-in-Part of Application No. 09/105,594 filed June 26, 1998, a  
4 Continuation-in-Part of Application No. 09/187,706 filed November 6, 1998, and a  
5 Continuation-in-Part of Application No. 09/211,992 filed December 14, 1998.

6 Background of the Invention

7  
8 Field of the Invention

9 The present invention relates generally to digital still and video cameras, and  
10 more particularly to a digital camera system wherein personal, camera model related and  
11 generic messages are compiled and transmitted by a message center and received by and  
12 displayed on a digital camera. This invention is related to the inventions disclosed in  
13 U.S. Patent Application Nos. 09/105,594, filed June 26, 1998; 09/187,706 filed  
14 November 6, 1998; and 09/211,992, filed December 14, 1998, the disclosures of which  
15 are incorporated herein by reference.

16  
17 Brief Description of the Prior Art

18 Traditionally, when cameras are sold by a retailer to a customer, it is a one-time  
19 transaction. There is normally very little opportunity for the camera vendor, the retailer,  
20 or the manufacturer or a digital camera service center, etc. to promote an on-going  
21 business relationship with the particular customer. Although cameras are known that can  
22 send and receive messages, they do not provide for an on-going business relationship. A

1 camera with message capability is described in U.S. Patent No. 5,220,366 that can  
2 receive and display messages and transmit acknowledgment to the sender. In this patent,  
3 the goal is to minimize the number of devices a photographer needs to carry with him by  
4 integrating a photographer's pager with the camera. The pager in this patent is not  
5 configured to be directly relevant to the actual operation of the camera, or for  
6 enhancement of communication between a customer and the manufacturer, retailer,  
7 service center, etc. Currently, camera warranty records are kept by vendors and can be  
8 used to identify purchases for the purpose of sending upgrade information, etc., but  
9 statistically a high percentage of purchasers do not fill out and return their warranty  
10 registration forms. Furthermore, a manufacturer's method of contacting purchasers from  
11 warranty registrations is normally through mailed advertisements, and because of the  
12 large quantity of so called junk mail, it is common for such items to be discarded without  
13 review.

14 In view of the above, it is apparent that a need exists for a method by which the  
15 vendor, manufacturer, retailer, service center, etc. can leverage on the ability of a digital  
16 camera to display alphanumeric and graphical messages on a camera display. Although  
17 most digital cameras are equipped with the capability of displaying data, it is limited to  
18 information and data already programmed into the camera at the time of manufacture,  
19 and does not enhance vendor to customer communication.

20





1 messages, putting them in categories including personal messages for a particular  
2 camera/user, groupwise messages for all users of a particular category such as camera  
3 model, shooting habits, other interests, etc., and generic messages which can be  
4 advertisements for all users with cameras configured according to the system. Each  
5 camera is equipped with a transceiver for receiving and sending data, and a visual display  
6 for observing the messages. Alternatively, the communication to the user can be  
7 achieved by means of an audio signal such as from a speaker built into the camera. When  
8 a user turns on the camera, the transceiver transmits a signal conveying the camera  
9 identification to the message center. In response, the center packages the messages that  
10 are identified for the particular camera/user and transmits them along with a code that  
11 assures reception of personal message portions only by the specific camera. In addition,  
12 such personal communication may also be encrypted. The camera receives the messages,  
13 and places them on a display based on a predefined priority. Interactive messages remain  
14 on the display until the user responds through activation of a key or key sequence on a  
15 camera keypad. Alternatively, a key or key sequence is provided whereby a user can  
16 select to not receive messages, the activation of the key/sequence directing the camera  
17 processor to not initiate the signal transmission to the message center upon camera  
18 activation.

19 An advantage of the present invention is that it provides a camera vendor or  
20 retailer the ability to promote photo related advertisements such as related photographic  
21 services, upgrades and new models.

1 A further advantage of the present invention is that it can send a custom message  
2 relevant to a single camera user, and/or generic messages to users of cameras with a  
3 particular classification or interest category, and/or to all users.

4 A still further advantage of the present invention is that advertisements can be  
5 sent to a camera with a greater probability of being received and processed by the camera  
6 user than an advertisement sent by other non-direct messaging systems such as mail, to  
7 be received most often with numerous other junk mail items.

8 A still further advantage of the present invention is that messaging received by the  
9 camera can be interactively responded to by the cameras user, providing an immediate  
10 and convenient mechanism to respond to messages.

11 A still further advantage of the present invention is that the system can provide an  
12 additional income category for the camera vendors, in the form of direct advertisement.

13 A still further advantage of the present invention is that camera users can stay  
14 well informed as to services and improvements related to their camera.

15  
16 In the Drawing

17 Fig. 1 is an illustration of the system of the present invention;

18 Fig. 2 shows the LCD display on the back side of the digital camera;

19 Fig. 3A is a flow chart of preparation of user based message packets by the  
20 message center;

21 Fig. 3B is a flow chart of preparation of multiple classification message packets  
22 by the message center;

23 Fig. 3C illustrates a possible single message structure;

1 Fig. 3D illustrates a packet generated from multiple messages;

2 Fig. 4 shows an example of a generic message;

3 Fig. 5 shows an example of a personal message;

4 Fig. 6A is a flow chart providing further detail of a preferred embodiment of the  
5 present invention;

6 Fig. 6B is a flow chart of an alternate embodiment; and

7 Fig. 7 is a detailed block diagram of the digital camera.  
8

### 9 Detailed Description of the Preferred Embodiment

10 Referring now to Fig. 1 of the drawing, a preferred embodiment of the system 10  
11 of the present invention is illustrated, including a message center 12, a digital camera 14  
12 and various ways of communication between the center 12 and camera 14. The preferred  
13 mode of communication is through a radio frequency connection, facilitated in the  
14 camera by a transceiver as evidenced by antenna 16. Transmission can be through a  
15 cellular telephone type of system, or it can be a dedicated radio frequency network, to a  
16 network transceiver 18 making connection through lines 19 and 21 to a communication  
17 network which can be either digital 20 or analog 22. Transmission to the message center  
18 also occurs if the camera is connected to the network through a cable connection. For  
19 example, a direct digital connection is made through connector 24 and cable 26 to the  
20 digital network 20. Connection can alternatively be made from the digital connector 24  
21 to analog network 22 through cable 28 and modem 30. Instead of the external modem  
22 30, the camera can include an internal modem with an analog output 32 for connection to  
23 a cable 34 to the analog network 22. A programmable card 36 can also be used,

1 interfacing with the camera through slot 38. The card can receive data from the network  
2 through a computer 40 connected to the network by cables 42 or 44.

3 Fig. 2 shows the back 46 of the camera 14 with an LCD display screen 48 for  
4 reviewing messages from the center 12. The messages of the present embodiment sent  
5 by the message center are generally related but not essential to the camera operation, and  
6 are better described as informative advertisements and peripheral camera business.

7 Although the LCD display screen 48 is shown as a preferred embodiment, the  
8 spirit of the present invention also includes other apparatus for displaying a message that  
9 will be apparent to those skilled in the art. For example, the messages can also be  
10 displayed inside a camera view finder 49, or on another separate message screen such as  
11 at area 51. The display of a message can occupy either the whole screen, or a portion of  
12 it, also referred to as a banner message. For example, in the screen 48 as shown in Fig. 2,  
13 a message could be limited to the area occupied by the two lines of text displayed. The  
14 area can be a dedicated area for display of messages.

15 Although the visual display is shown as a preferred embodiment, the spirit of the  
16 present invention also include other apparatus for conveying messages that will be  
17 apparent to those skilled in the art. For example, the message can be played to the used  
18 via an audio speaker 45.

19 In operation of the system 10, the message center 12 prepares and collects  
20 messages and sorts them into categories including personal messages for a particular  
21 camera/user, messages for all users of a particular category, and generic messages for all  
22 users of cameras configured according to the system 10. When a user turns on the  
23 camera 14, the camera automatically transmits a signal to transceiver 18 for conveying

1 the camera identification to the message center 12. In response, the center 12 transmits  
2 back to the camera any messages that are identified/sorted for the particular camera/user.  
3 In the case of a generic message or messages to generic categories, such as all users of a  
4 specific camera model, the message center may continuously transmit messages without  
5 waiting for a camera to identify itself.

6 Messages that are specific to a particular category, or only for a particular  
7 camera/user, are sent with an identification code corresponding only to that particular  
8 camera. In addition, personal messages to a particular user may be encrypted, or  
9 otherwise secured. The camera according to the present invention will only receive and  
10 store in memory those messages that include the proper matching message codes. For  
11 example, all cameras configured according to the system of the present invention will  
12 respond to a code for generic messages. A separate code must be included for model  
13 based messages, and each camera has its own distinct code that must be transmitted with  
14 those messages intended for only a specific camera.

15 Other categories may include professional photographers, wild life photographers,  
16 etc. A single camera may subscribe to more than one category. The subscription process  
17 may be initiated by the camera user or by the message center. For example, a user may  
18 choose the categories which he is interested in by going through an interactive selection  
19 mechanism on the camera via a yes/no list on the LCD or as played on the camera's  
20 audio system. In a different scenario, the user may subscribe to such categories by filling  
21 a questionnaire at the time of purchase or when filling in a warranty card. In a different  
22 scenario, an intelligent advertisement center may build a user profile based on other

1 information such as the quantity of images taken by a camera, the type of images etc., in  
2 order to determine a possible class of interest.

3 An alternative embodiment of the system includes the camera 14 with a user  
4 selection on pad 50 whereby the user can choose to receive or not receive messages. A  
5 further alternative includes selection by a user to receive only one or more types of  
6 messages, such as only personal messages, or only personal and interest group based  
7 messages, etc. A further alternate embodiment of the system includes the message center  
8 12 continuously transmitting generic messages as mentioned above for all cameras,  
9 and/or continuously transmitting interest group messages and/or personal messages along  
10 with the particular codes required for reception of the messages by a particular camera.

11 The camera 14 receives the messages, stores them in RAM (Fig. 7), and puts  
12 them on the display 48, or other messaging mechanism such as an audio speaker 45 as  
13 provided in an order according to a priority assigned by the message center. Interactive  
14 messages remain on the display 48 until the user responds, preferably through activation  
15 of a key or key sequence on the camera keypad 50. Alternatively the keypad 50 can be  
16 implemented as virtual keys by implementing the LCD screen 48 as a touch screen. As  
17 part of the preferred embodiment, or as an alternative feature, a key or key sequence is  
18 provided allowing a user the option of avoiding the reception of messages by activating  
19 the key or key sequence on the keypad 50. In response to the key sequence, the camera  
20 processor preferably refrains from initiating the transmission of a signal notifying the  
21 message center that the camera is activated. Other methods of deactivating the message  
22 system will be apparent to those skilled in the art, and these are included in the spirit of  
23 the present invention. For example, a switch or key sequence can be provided that

deactivates the transceiver by cutting off its power source, etc. This latter approach is preferably provided in the camera, according to the system requirements when the alternate embodiment is implemented wherein the center continuously transmits messages.

Fig. 3A illustrates the process of preparing a message packet for a particular camera. When the message center receives a notification 53 that a specific camera is being turned on, or alternatively ready to receive new messages, the center issues commands 55 to the databases to prepare a packet. Fig. 3A shows three databases, including a user's database 58 containing user specific information such as the user's name, address, ID 59, camera model, and the user's special interests. In addition, the user database 58 can include personal messages that are directed to a particular user, such as a notice of expiration of a warranty, service contract, etc. An interest group message in database group 56 could be for a specific camera model group messages such as a recall notice, tips on how to use a camera upgrade for the particular model, or special operating instructions. The generic message database could include new product advertisements and other generic messages. Messages in the generic database (60) can be advertisements that are only remotely related to the cameras themselves. For example, such advertisements can promote a specific brand of batteries, a special offer on printing services etc.

In operation, sending database 58 the user ID would cause the particular users interest group data to be sent to the interest group database 56. The database 56 responds by outputting 63 the corresponding stored messages. The user's database 58 outputs the personal messages, either directly 65, or to an encryption routine 61, which then outputs

67 encrypted personal messages. The generic messages, interest group messages and personal messages are then each assigned a priority and display time 54, packaged 52, and sent and displayed 80 on the user's camera.

Fig. 3B describes an alternative advertisement system in which the advertisement system sends generic messages (block 94) as well as messages associated with special interest groups (block 92) on a continuous or periodic basis, either random or scheduled, without the center having received a signal from a camera that it has been turned on. Messages for specific individual users are only sent by request (block 90), i.e. when the center receives a signal indicating that a camera has been turned on. In the system illustrated in Fig. 3, the camera preferably has the role of deciding whether to accept a message or not, as well as the role of prioritizing the camera display (block 96).

Fig. 3C illustrates an example of a possible single message structure. Each message has an identification number. In addition, the message type is indicated for determining the distribution of the message, whether it is a personal message, an interest group message, or a generic message. Other parameters include message priority, and the body or i.e. content of the message. The message body can be in a known file format, such as display language HTML, or alternatively in a proprietary graphic or textual format.

Fig. 3D illustrates a packet generated from multiple messages such as described in Fig. 3C.

Fig. 4 illustrates a generic type of message for an advertisement. The messages can be displayed on a portion of the screen as a banner, or they can occupy the entire screen. In the case of an interactive message, the user may be asked to reply. As an



1 alternative, messages that will not be replied to may have a default reply that is activated  
2 after a predefined length of idle time. Naturally, such advertisements can be not only  
3 alphanumeric, but graphical depending on the display category.

4 Fig. 5 illustrates a personal message notifying a camera user that prints are ready  
5 for pickup. As before, the user may be prompted for a reply.

6 Referring now to Fig. 6A, the method of the preferred embodiment is illustrated  
7 in more detail in a flow chart. The method of Fig. 6A assumes and includes the process  
8 of Fig. 3A or a similar procedure where the message center has prepared messages  
9 waiting for transmission to a camera. The next step, as shown in Fig. 6A is a user  
10 starting/turning on a camera (block 62). The camera 14 (Fig. 2) optionally includes a key  
11 64 (Fig. 2) or a key sequence by which the user may select to receive or not receive the  
12 messages as explained above. This option is indicated by block 66 in Fig. 6A. If the user  
13 selects to not receive messages 68, a preferred embodiment has the camera not  
14 transmitting a message request signal (block 70). Alternatively, or in addition a key  
15 sequence is provided whereby a user can select to not receive any messages transmitted  
16 from the message center. This latter approach is preferred if the message center is  
17 continuously transmitting. If the user selects to receive messages 72, the camera  
18 transmits a message request signal to the message center 12 (block 74). The message  
19 request signal includes information identifying the camera. It also may include a camera  
20 access code that must be transmitted by the message center in order for the particular  
21 camera to receive the message. Optionally, the message center may already have the  
22 access code for each camera serial number, and in that case the camera only needs to  
23 transmit enough information to identify itself.

Upon receipt of the request signal from the camera, the message center 12 collects any personal messages and any messages for the particular model camera (block 76). The center 12 then adds selected generic messages and puts them in an order, assigning the necessary order/priority (block 78). These messages are then “packaged” and sent/transmitted to the camera (block 80). The camera receives a block of messages and stores them in memory. Each message is then separately placed on the LCD display 48 (block 82) according to the priority assigned by the message center. Each message remains on the display for a prescribed time according to the priority data. Alternatively, each message can remain on the display until the user activates a key, for example on the keypad 50. As a further option, the camera includes a key allowing a user to move forward or backward (toggle) in the message list to find a particular message. (block 83). The user can also select to delete a particular message from memory. The preferred method of display is sequential, with each message displayed in the order assigned according to a priority sent by the message center. The user can select (toggle) to have each message displayed until a key is activated to display the next message. A second key can be used to move backwards in the list of messages to view a message previously displayed. Alternatively, the user can select to have the camera automatically display the messages, one at a time in the order assigned, with each message displayed for a set time interval and then automatically displaying the next message, etc. These options are indicated by block 83. In the case of any interactive messages such as the one illustrated in Fig. 4, the user must respond by pressing the required key on the keypad 50, which is Y or N in Fig. 4 (block 84). The camera then transmits the answer/selection (block 86).

Fig. 6B illustrates an alternate embodiment, as described above based on the packets as described in Fig. 3B, wherein the center continuously transmits messages. The message center collects generic messages, model based messages, and personal messages and assigns the camera access codes to the model and personal based messages for the corresponding cameras (block 61). The center then transmits the messages and required codes continuously (block 63). In order for the camera to receive a message, the user first turns the camera on (block 65), and then selects (block 67) to either receive 69 or not receive 71 messages. Upon receiving and displaying a message (block 73), the user will need to respond if the message is interactive (block 75). The response is then transmitted by the camera to the message center (block 77).

Fig. 7 is a detailed block diagram of the digital camera 14, including a modification of the integrated communications device and digital camera shown in Fig. 9 of U.S. Patent Serial Number 09/105,594, the disclosure of which is included in the present specification by reference. For a detailed disclosure of various alternative network connections, reference is made to the relevant figures of Serial Number 09/105,594. Referring now to Fig. 7, the camera 14 includes a camera digital image acquisition apparatus 88 in communication with a processor 90 through bus 90. The processor 90 includes a clock 94, a counter 96, storage for additional data 98, image processing capability 100 and a security engine 102. The connector 24 provides interface with the processor 90 through network connection controller 104 by way of bus lines 106, 108, 110 and 112. Alternatively, or in addition, the camera has a built-in modem 114 interfacing with the controller 104 via bus 116, and to a communications network through connector 32 via bus 118. The smart card 36 of Fig 1 interfaces through the card

1 slot 38 with the processor 90 by way of card controller 120 via buses 122, 124, 110 and  
2 112. The transceiver 125 is shown for RF communication, interconnected with the  
3 network controller 104 via bus 126, and including the antenna 16 connected via bus 128.  
4 The keypad 50 is interfaced with the processor 90 by a keypad controller 130 via buses  
5 132, 134, 110 and 112.

6 Numerous user interface items are shown in Fig. 7, included generally in the user  
7 interface area 136 of Fig 1 or at other locations as desired, including a battery indicator  
8 138 and LCD display 140, a power switch 142, light alarm 144, and sound alarm 146.  
9 These are all interfaced with the various relevant component blocks of Fig. 7 by a user  
10 interface controller 148. The LCD display 140 (Fig. 2) for purposes of the present  
11 disclosure includes facility for any of various items that may be useful to communicate  
12 camera related matters to the user. These include a count of the number of images taken,  
13 and indication of low battery power. The light 144 and sound alarm 146 are used with or  
14 without accompanying messages indicated by the LCD display 140. For example, the  
15 alarm may indicate low battery power. LCD display 48, located preferably on the camera  
16 back, as shown in Fig. 2, also receives data from the processor through controller 148. It  
17 displays messages from the message center, but can alternatively be used to display the  
18 camera related items described as displayed on display 140. Also indicated in Fig. 7 are  
19 the necessary memory units, including a ROM 149 and RAM 150 and a power supply  
20 152 with options, including a battery 154, an AC battery charging supply input 156, a  
21 phone line power connection 158 and a line 160 from an alternate power bus, not shown.

22 In operation, activation of power switch 142 turns the camera on, causing the  
23 processor 90 to send the camera identification to the message center 12 by activating the

transceiver 125 for sending a corresponding camera ID code. The processor may also send an access code that must be indicated in data sent to the camera in order for the data to be received. This code does not have to be sent if the center 12 already has the code for each camera.

Although the present invention has been described above in terms of a specific embodiment, it is anticipated that alterations and modifications thereof will no doubt become apparent to those skilled in the art. It is therefore intended that the following claims be interpreted as covering all such alterations and modifications as fall within the true spirit and scope of the invention.

It is claimed that:

## Claims

1           1.     A digital camera comprising:

2                 (a)    image capture means for converting a light image to digital image  
3                         data;

4                 (b)    transceiver means for sending and receiving digital data through a  
5                         communications network; and

6                 (c)    code means for selectively receiving messages sent to said camera  
7                         by a message center.

1           2.     A digital camera as recited in claim 1 further comprising automatic signal  
2     transmission means for automatically causing said transceiver to transmit a message  
3     request signal to said message center conveying an identification of said camera when  
4     said camera is turned on.

1           3.     A digital camera as recited in claim 1 further comprising user activated  
2     means for causing said transceiver to transmit a message request signal to said message  
3     center conveying an identification of said camera.

1           4.     A digital camera as recited in claim 1 further comprising means for  
2     disabling said automatic signal transmission means when a user does not want to receive  
3     messages.

1           5.       A digital camera as recited in claim 1 wherein said code means includes a  
2 unique identification for said camera.

1           6.       A digital camera as recited in claim 1 further comprising first display  
2 means including means for displaying said messages, and means for displaying said  
3 image.

1           7.       A digital camera as recited in claim 6 wherein said first display means is  
2 an LCD display located on a back side of said camera.

1           8.       A digital camera as recited in claim 6 wherein said first display means  
2 includes a dedicated banner region for display of said messages.

1           9.       A digital camera as recited in claim 6 further comprising a second display  
2 means for displaying said messages.

1           10.      A digital camera as recited in claim 9 wherein said second display means  
2 is a display observable through a viewfinder of said camera.

1           11.      A digital camera as recited in claim 6 further comprising interactive  
2 message response means for responding to a question received in a message from said  
3 message center.

1           12.     A digital camera as recited in claim 11 wherein said interactive message  
2     response means enables a user to selectively store, delete and skip a message.

1           13.     A digital camera as recited in claim 11 wherein said first display means  
2     includes a touch screen, and said interactive message response means is activated by  
3     implementation of said touch screen.

1           14.     A digital camera as recited in claim 11 wherein said interactive message  
2     response means is activated by physical buttons external to said first display means.

1           15.     A digital camera as recited in claim 5 further comprising audio means in  
2     the form of a speaker for playing said messages on said digital camera.

1           16.     A digital camera as recited in claim 15 wherein said messages can be  
2     interactively replayed, stored and skipped.

1           17.     A digital camera message system comprising:  
2                   (a)     message center means including  
3                           (i)     means for collecting, preparing and sorting messages to be  
4                                   sent to a digital camera; and  
5                           (ii)    first communication means responsive to reception of a  
6                                   message request signal conveying a camera identification  
7                                   for transmitting messages to said camera; and



(b) a digital camera including

(i) image capture means for converting a light image to digital image data;

(ii) second communication means for sending and receiving data through a communications network;

(iii) code means including means responsive to a code for selectively processing messages sent to said camera; and

(iv) automatic signal transmission means for automatically causing said second communications means to transmit a message request conveying an identification of said camera when said camera is turned on.

18. A digital camera message system as recited in claim 17 wherein said message center means includes a capability to send a selected said message to a specific said camera based on said code.

19. A digital camera message system as recited in claim 17 wherein said message center means further includes a capability to send a message simultaneously to a plurality of cameras by transmitting a corresponding particular said code.

20. A digital camera message system as recited in claim 17 wherein said message center means further includes a capability to prioritize messages as part of a single packet of multiple said messages.

21. A digital camera message system as recited in claim 17 wherein said digital camera further includes means for disabling said automatic signal transmission means when a user does not want to receive messages.

22. A digital camera system as recited in claim 17 wherein said camera further includes message display means for displaying said messages.

23. A digital camera system as recited in claim 22 wherein said camera further includes a system for temporarily storing said messages prior to displaying said messages.

24. A digital camera system as recited in claim 23 wherein said camera further includes means for selecting a particular one of said stored messages.

25. A digital camera system as recited in claim 24 wherein said means for selecting includes setting said camera to automatically display a list of stored messages sequentially with each message displayed for a set amount of time.

26. A digital camera system as recited in claim 24 wherein said means for selecting includes means for automatically displaying the messages in an order according to a priority assigned by the message center.

1           27.    A digital camera system as recited in claim 22 wherein said message  
2   display means is an LCD display located on a back side of said camera.

1           28.    A digital camera as recited in claim 22 wherein said message display  
2   means is viewed through a viewfinder of said camera.

1           29.    A digital camera as recited in claim 22 wherein said message display  
2   means is generated through a speaker located on the camera.

1           30.    A digital camera system as recited in claim 22 wherein said camera further  
2   includes interactive message response means for responding to a question received in a  
3   message from said message center.

1           31.    A digital camera system as recited in claim 30 wherein said interactive  
2   message response means is activated by a touch screen.

1           32.    A digital camera system as recited in claim 30 wherein said interactive  
2   message response means is activated by physical buttons external to said message display  
3   means.

1           33.    A method of communication comprising:  
2                   (a)   preparing a message at a message center for transmission to a  
3                           camera;

- 4 (b) transmitting a message request to said message center by a
- 5 transceiver means included in said camera, said message request
- 6 containing identification of said camera;
- 7 (c) transmitting said message from said message center to said
- 8 camera; and
- 9 (d) displaying said message on a display means.

1 34. A method of communication as recited in claim 33 further comprising:

- 2 (a) means for preparing multiple messages to be transmitted; and
- 3 (b) assigning priority values to said messages.

1 35. A method of communication as recited in claim 34 wherein said priority

2 values include a length of time to display each said message.

1 36. A method of communication as recited in claim 34 wherein said priority

2 values include an order of display of said messages.

1 37. A method as recited in claim 33 further comprising disabling said

2 transceiver means to avoid transmitting said message request.

1 38. A method as recited in claim 33 wherein said display means includes a

2 dedicated banner region for display of said messages.

1           39.     A method as recited in claim 33 wherein said display means includes a  
2     separate dedicated display means dedicated for display of said messages.

1           40.     A method as recited in claim 39 wherein said dedicated display means  
2     includes a display that is received through a viewfinder of said camera.

1           41.     A method as recited in claim 39 wherein said display means includes an  
2     LCD display on a back side of said camera.

1           42.     A method as recited in claim 39 wherein said display means includes a  
2     speaker located on the camera.

1           43.     A method as recited in claim 33 further comprising  
2                 (a)     including in said message a request for a response; and  
3                 (b)     responding to said request for a response by transmitting a  
4                         response from said camera to said message center.

1           44.     A method as recited in claim 43 wherein said response is activated by  
2     physical buttons external to said message display means.

1           45.     A method as recited in claim 43 wherein said display means includes a  
2     touch screen and said response is activated by implementing said touch screen.

1 46. A digital camera message system comprising:

2 (a) message center means including

3 (i) means for collecting, preparing and sorting messages to be  
4 sent to a digital camera, said messages including

5 a) a generic message for transmission to all of a  
6 plurality of said cameras;

7 (b) an interest group based message for transmission to  
8 selected said cameras of a particular interest group;

9 (c) a personal message prepared for transmission to a  
10 selected one of said cameras; and

11 (ii) means for transmission of said messages to said cameras  
12 including

13 (a) means for repeatedly transmitting said messages;

14 (b) means for including a code, for allowing each said  
15 interest group message and each said personal  
16 message to be received only by a corresponding  
17 selected said camera.

1 47. A digital camera message system as recited in claim 46 further comprising  
2 means for continuously sending said messages.

1 48. A digital camera message system as recited in claim 46 further comprising  
2 means for unselectively sending said messages.

1           49.     A digital camera message system as recited in claim 46 further comprising  
2     means for sending said messages only when a request arrives from a said digital camera.

1           50.     A digital camera message system as recited in claim 46 further  
2     comprising:

- 3                   (a)     a digital camera including
  - 4                           (i)     image capture means for converting a light image to digital
  - 5                                   image data;
  - 6                           (ii)    communication means for sending and receiving data
  - 7                                   through a communications network;
  - 8                           (iii)   code means including means responsive to a code for
  - 9                                   selectively receiving said messages sent to said camera
  - 10                                  through said network; and
  - 11                           (iv)   disabling means wherein a user can select to receive or not
  - 12                                  receive said messages.

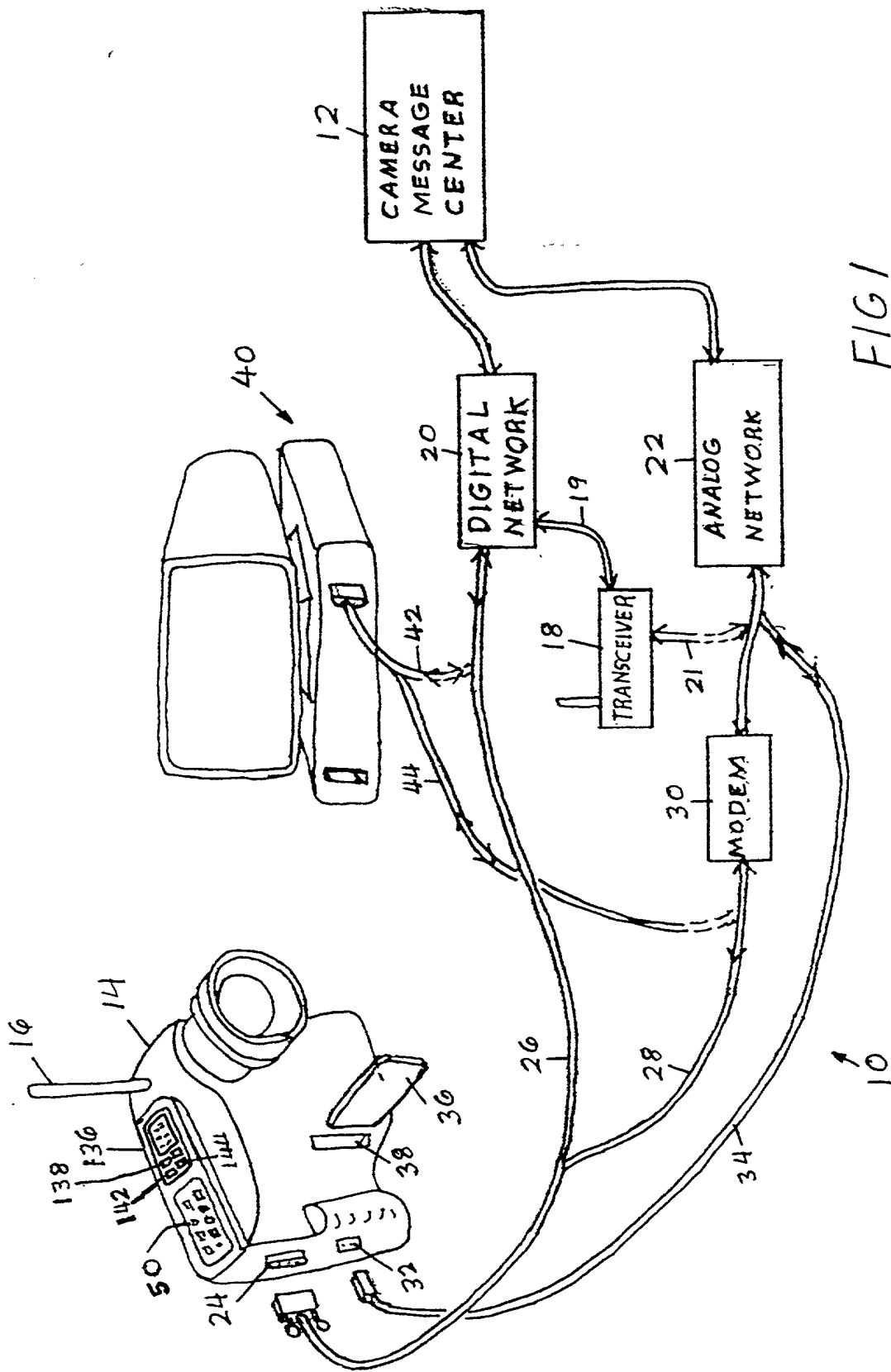
1           51.     A digital camera message system as recited in claim 46 wherein said  
2     personal messages are encrypted.

1           52.     A digital camera as recited in claim 47 further comprising means for  
2     decrypting said personal messages.

### Abstract

1 A digital photography messaging and advertisement system wherein a message  
2 center maintains records of camera purchasers, and each corresponding camera  
3 identification (ID). The message center prepares and collects messages, putting them in  
4 categories including personal messages for a particular camera/user, messages for all  
5 users of a particular interest group, and generic messages which can be advertisements  
6 for al users with cameras configured according to the system. Each camera is equipped  
7 with a transceiver for receiving and sending data, and a display for observing the  
8 messages or listening to them. Each camera subscribes to its own personal messages. In  
9 addition, a camera user may subscribe to a single or multiple interest groups. When a  
10 user turns on the camera, the transceiver transmits a signal conveying the camera  
11 identification to the message center. In response, the center packages the messages that  
12 are identified for the particular camera/user and transmits them along with a code that  
13 assures reception only by the specific camera. Alternatively, the messaging and  
14 advertisement center continuously transmits generic and user interest group messages.  
15 The camera receives the messages, and places them on a display. Interactive messages  
16 remain on the display until the user responds through activation of a key or key sequence  
17 on a camera keypad. Alternatively, a key or key sequence is provided whereby a user can  
18 select to not receive messages, the activation of the key/sequence directing the camera  
19 processor to not initiate the signal transmission to the message center upon camera  
20 activation.





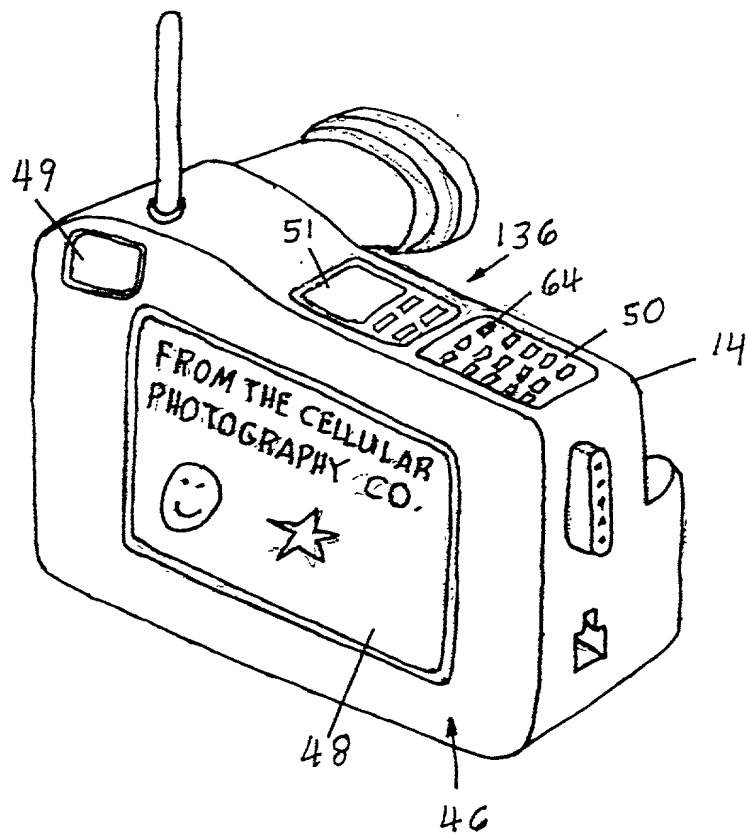


FIG 2

FIG. 3A

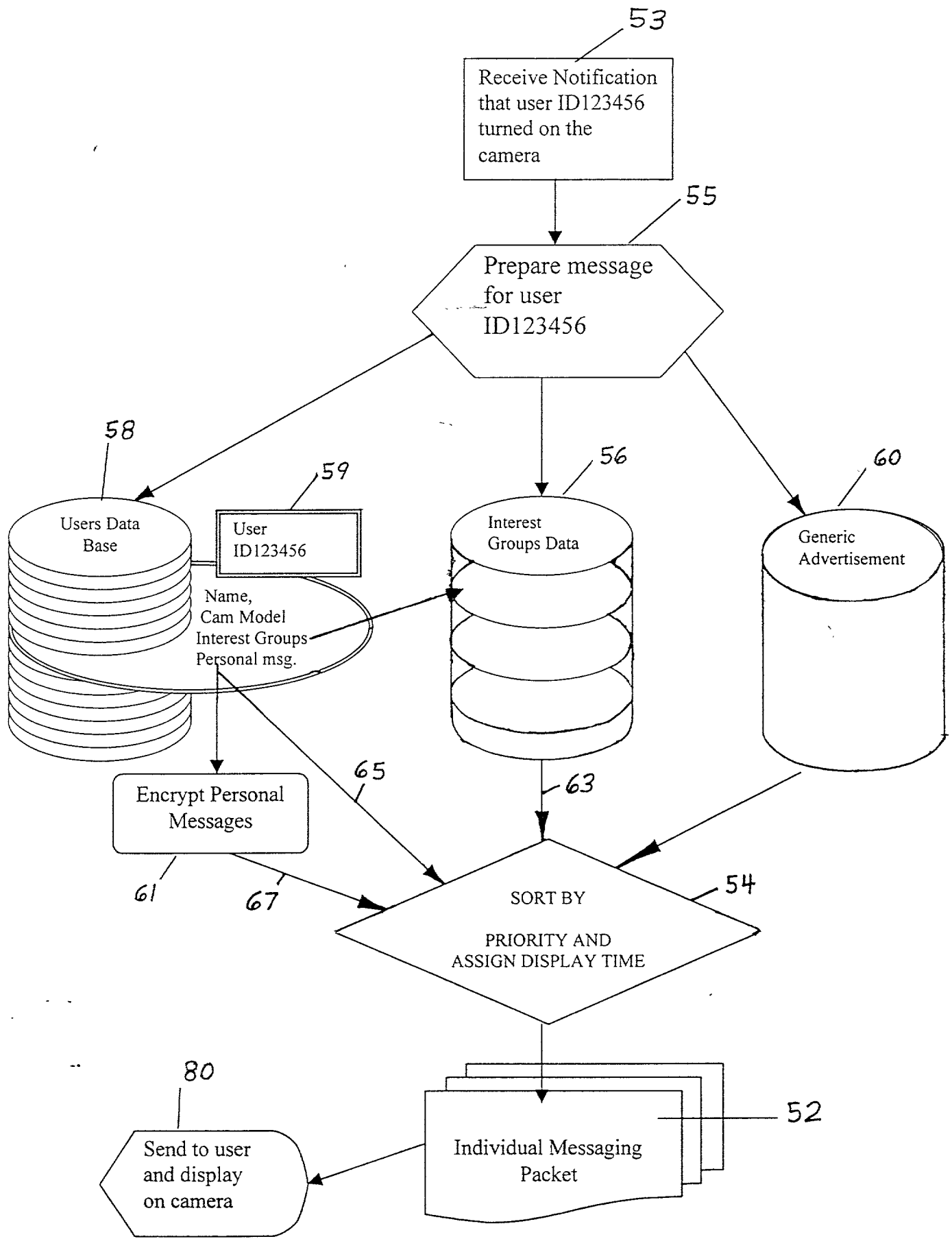


FIG 3A.

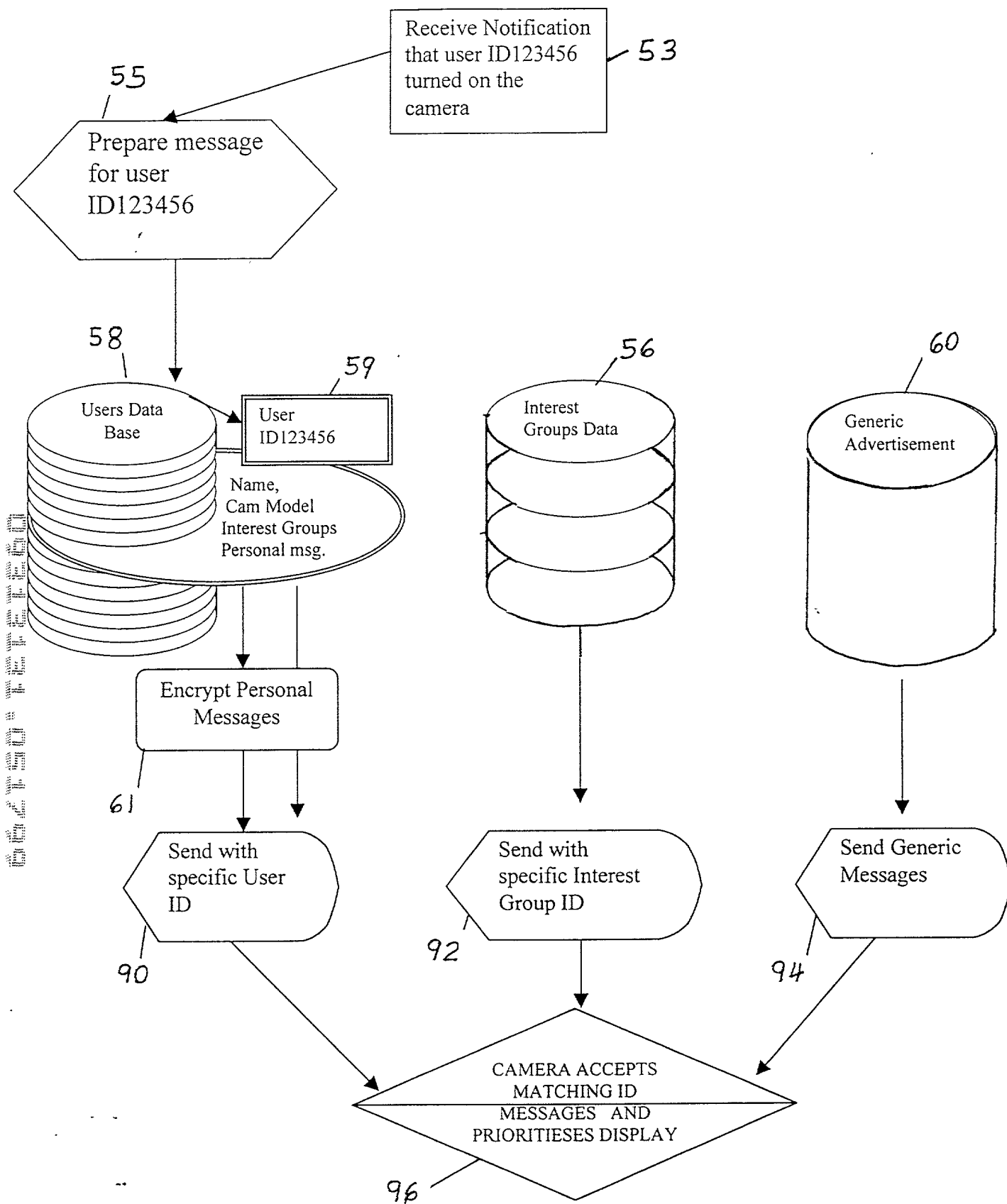
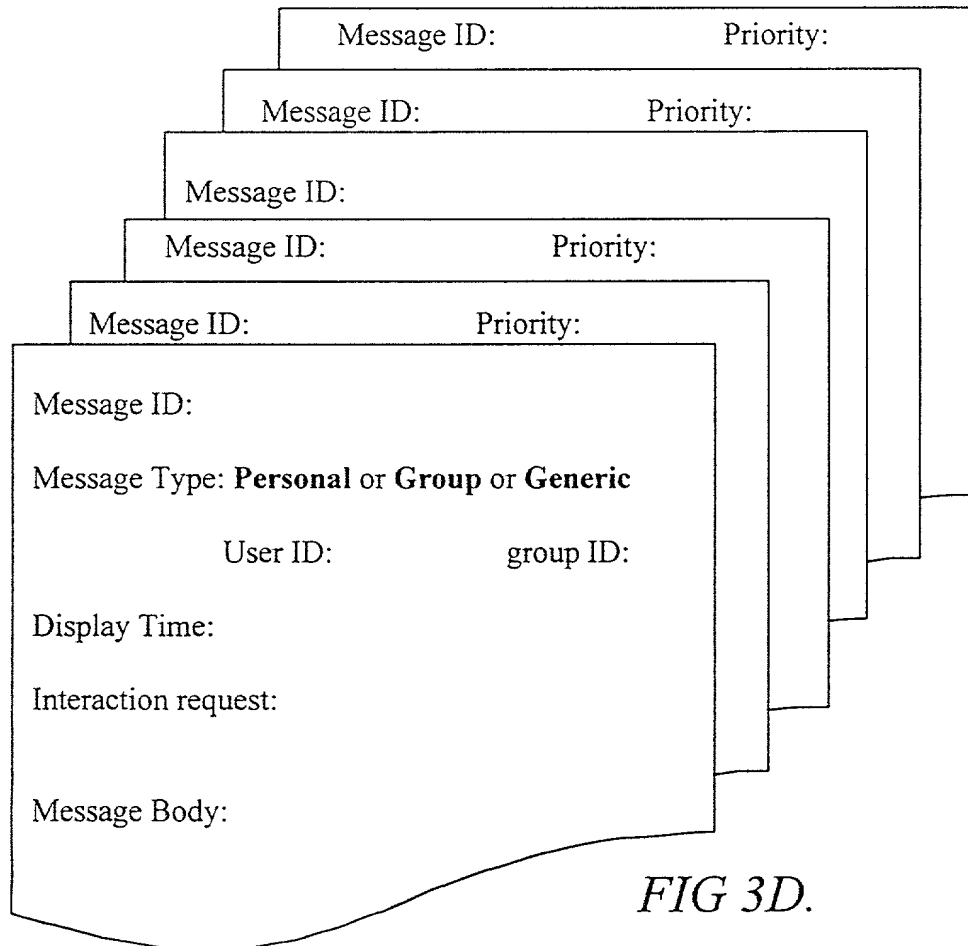
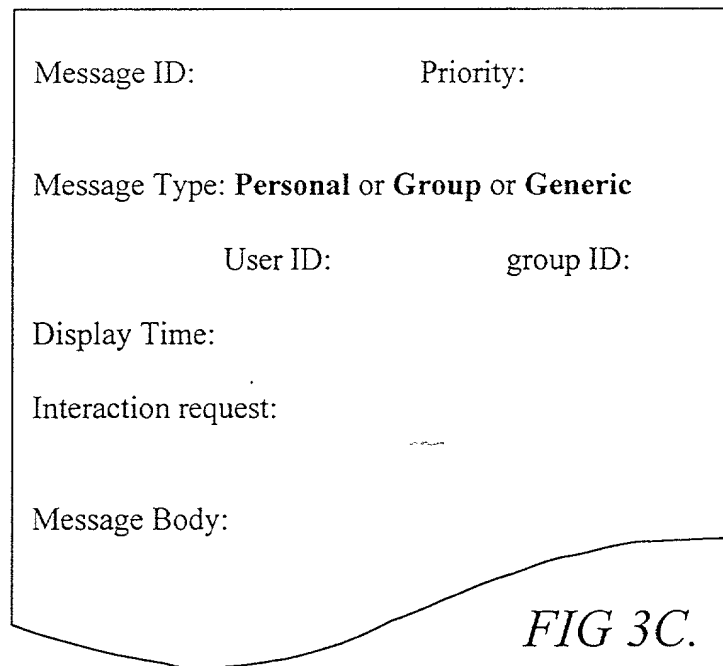


FIG 3B.



SUBSCRIBE NOW FOR A SPECIAL OFFER

We will print 20 images from your camera

**FREE**

Please send details Y, N

*FIG 4*

Mr. Doe:

Your prints are ready for pick-up at

Photo Store  
123 Camera Way  
Goodview, CA 65431

*FIG 5*

65431 CA Goodview

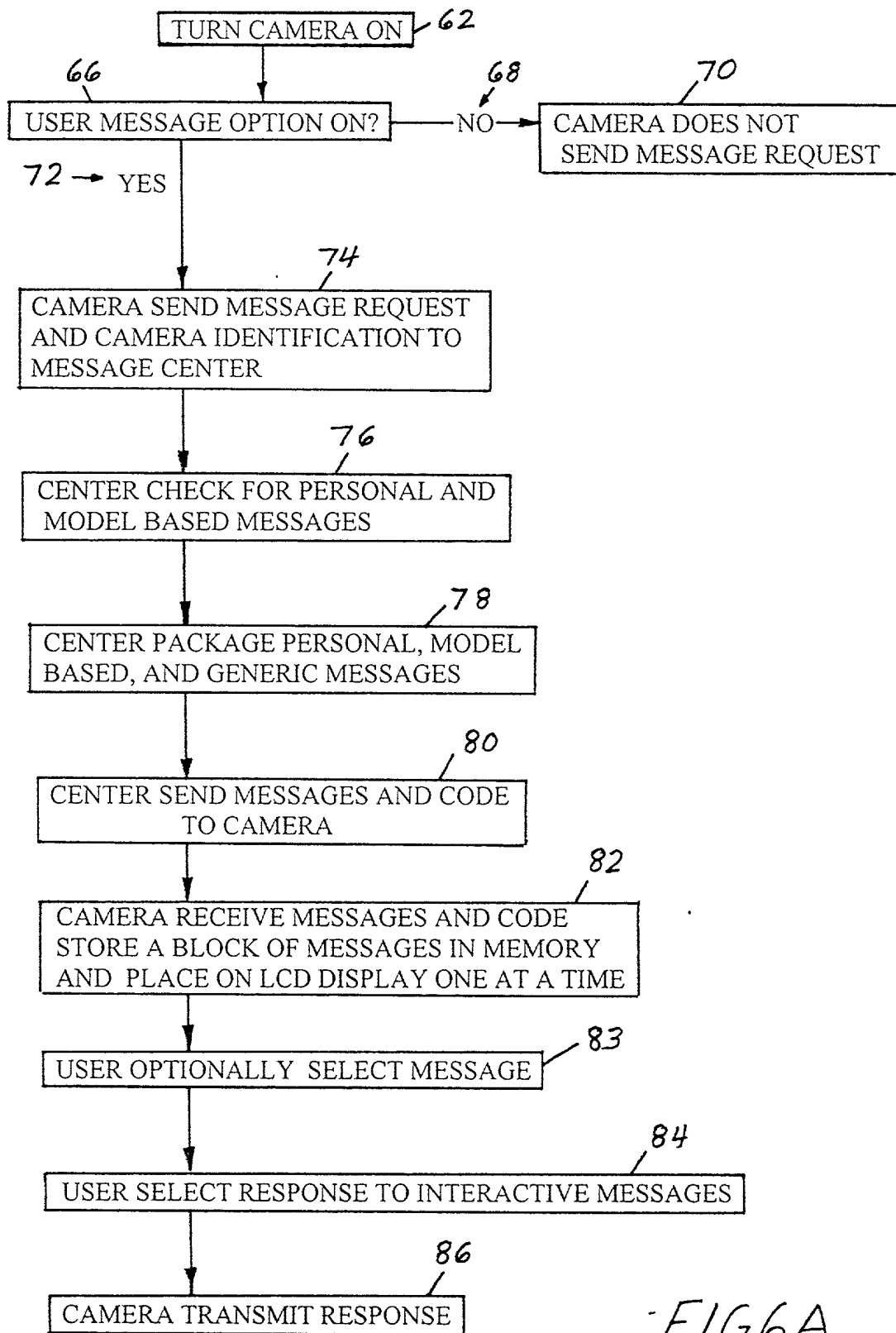


FIG 6A

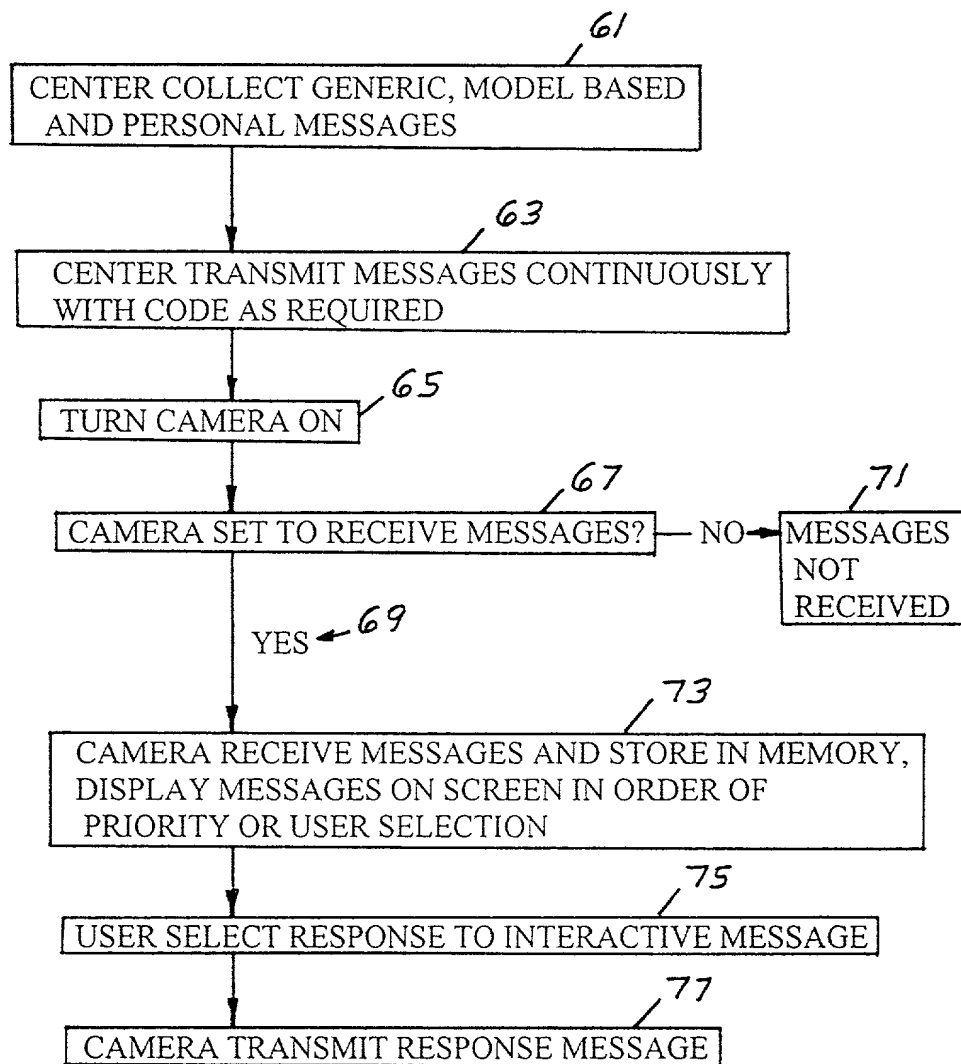


FIG 6B



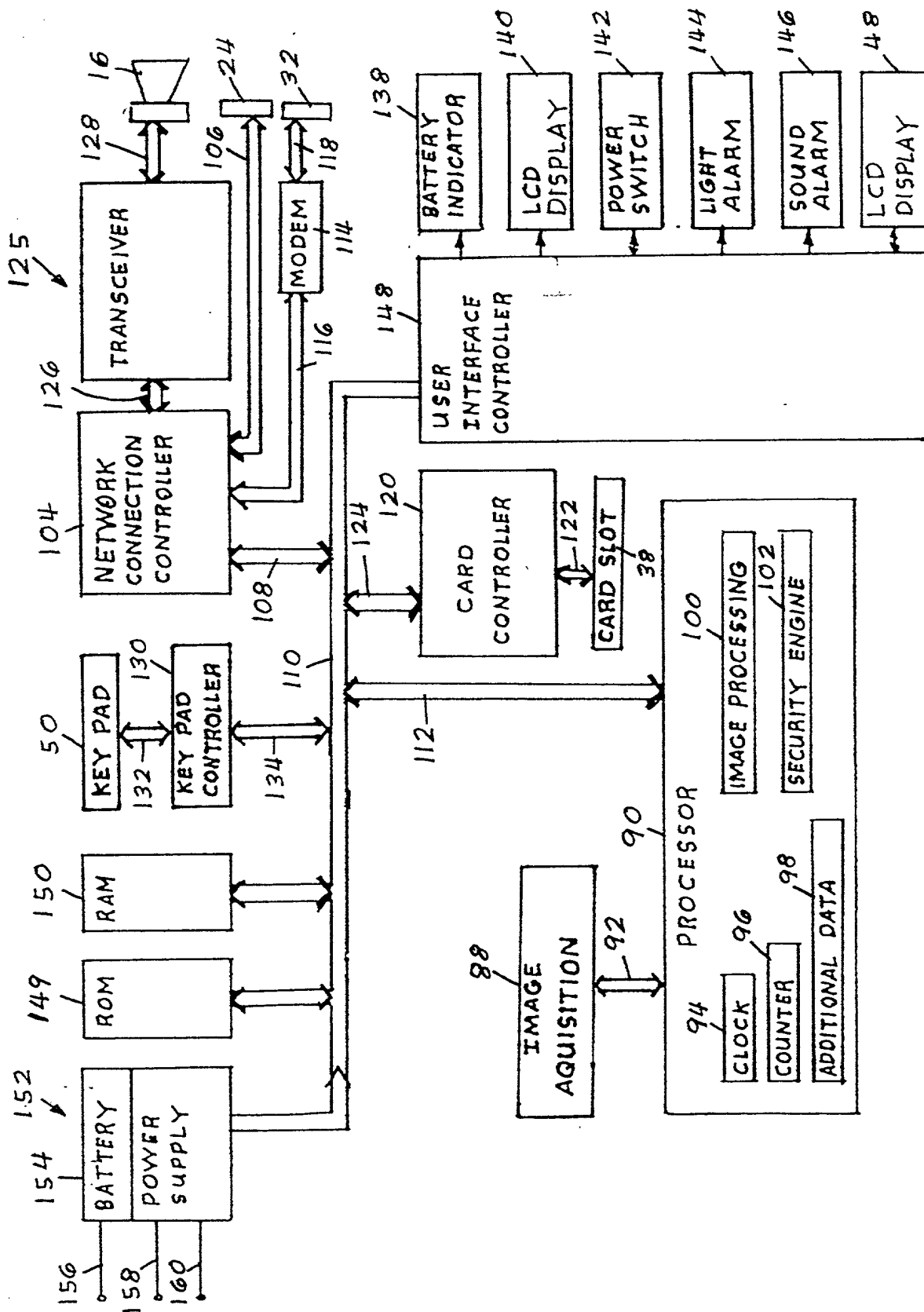


FIG 7

# COMBINED DECLARATION, POWER OF ATTORNEY & PETITION

## DECLARATION

As a below-named inventor, I hereby declare that:

- (i) my residence, post office address and citizenship are as stated below next to my name;
- (ii) I have reviewed and understand the contents of the specification identified herein including the drawing and claims as amended by any amendment referred to below;
- (iii) I believe I am the original, first and sole inventor of the invention entitled:

### "IN CAMERA MESSAGING AND ADVERTISEMENT SYSTEM"

as described and claimed in the specification which

☒ is attached hereto.

- (iv) I hereby claim the benefit under 35 U.S.C. 120 of any United States patent application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/105,594</u> (application serial no.)	<u>06/26/98</u> (filing date)	<u>Pending</u> (status)
<u>09/187,706</u> (application serial no.)	<u>11/06/98</u> (filing date)	<u>Pending</u> (status)
<u>09/211,992</u> (application serial no.)	<u>12/14/98</u> (filing date)	<u>Pending</u> (status)

- (v) this application in part discloses and claims subject matter disclosed in my earlier filed pending application Serial Nos. 09/105,594 filed 06/26/98, 09/187,706 filed 11/6/98, and 09/211,992 filed 12/14/98;

as to the subject matter of this application which is common to said earlier applications, I do not know and do not believe that the same was ever known or used in the United States before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said earlier applications, or in public use or on sale in the United States more than one year prior to said earlier applications;

- (vi) as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application;

I declare further that all statements made above of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

### POWER OF ATTORNEY

I hereby appoint the following patent attorneys and/or patent agent(s) with full power of appointment, substitution and revocation to prosecute this application, to make alterations and amendments thereto, to receive the patent, and to transact all business in the Patent Office connected therewith.

DAVID H. JAFFER, Reg. No. 32,243

Address all telephone calls to David H. Jaffer at telephone number (408) 280-2800, and address all correspondence to:

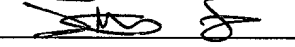
David H. Jaffer, Esq.  
**ROSENBLUM, PARISH & ISAACS**  
160 West Santa Clara St., Fifteenth Floor  
San Jose, California 95113

### PETITION

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the above-mentioned specification and claims, and I hereby subscribe my name to the foregoing Declaration, Power of Attorney & Petition with references to the above-mentioned specification and claims.

### SIGNATURE

Name of sole or  
first inventor: Eran Steinberg  
Address: 372 Douglas Street  
San Francisco, CA 94114  
Post Office Address: same  
Citizenship: Israel

Inventor's Signature:  Date: Apr 9 99

05/17/99  
JC665 U.S. PTO

Jc135 U.S. PTO  
09/31/99  
05/17/99

Practitioner's Docket No. 4473-27

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of  
Inventor(s): Eran Steinberg

**WARNING:** 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): **IN CAMERA MESSAGING AND ADVERTISEMENT SYSTEM**

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date May 17, 1999, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EM568412754, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Patty Santana

(type or print name of person mailing paper)

Patty Santana

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal [4-1]—page 1 of 11)

09/31/99  
JC665 U.S. PTO

**WARNING:** When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

### 3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

16 Pages of specification  
10 Pages of claims  
9 Sheets of drawing

**WARNING:** DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).

**NOTE:** "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page . . ." 37 C.F.R. § 1.84(c).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).
- ☐ formal
- ☐ informal

### B. Other Papers Enclosed

2 Pages of declaration and power of attorney  
1 Pages of abstract  
0 Other

### 4. Additional papers enclosed

- ☐ Amendment to claims
- ☐ Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. § 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations

## 9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

☐ is (are) attached.

☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. § 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. § 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 10. Fee Calculation (37 C.F.R. § 1.16)

A. ☒ Regular application

CLAIMS AS FILED				
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$760.00	
Total Claims (37 C.F.R. § 1.16(c))	48 - 20 = 28	×	\$ 18.00	
Independent Claims (37 C.F.R. § 1.16(b))	4 - 3 = 1	×	\$ 78.00	
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		+	\$260.00	

☐ Amendment cancelling extra claims is enclosed.

☐ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing Fee Calculation

\$ 1342

B. ☐ Design application

(\$310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation

\$

C. ☐ Plant application

(\$480.00—37 C.F.R. § 1.16(g))

Filing fee calculation

\$

(New Application Transmittal [4-1]—page 6 of 11)

## 11. Small Entity Statement(s)

- ☒ Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

**WARNING:** "Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. § 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 1.28(a)(2).

**WARNING:** "Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P., § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application  
\_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit  
is being claimed for this application under:

35 U.S.C. § ☐ 119(e),  
☐ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 671.00

**NOTE:** Any excess of the full fee paid will be refunded if small entity status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

## 12. Request for International-Type Search (37 C.F.R. § 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

# 15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 08-0520:

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. § 1.17 (application processing fees)

**NOTE:** “. . . A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.” 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. § 1.28(b) requires “Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . .” From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status ~~must~~ be made even if the fee is paid as “other than a small entity” and (b) no notification is required if the change is to another small entity.

(New Application Transmittal [4-1]—page 9 of 11)



**XX** ☐ **Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

- ☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 5

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

- ☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

- ☐ **Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

- ☐ This transmittal ends with this page.

Practitioner's Docket No. \_\_\_\_\_

**PATENT****ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED**

NOTE: See 37 C.F.R. § 1.78.

**17. Relate Back**

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(complete the following, if applicable)

- ☐ Amend the specification by inserting, before the first line, the following sentence:

**A. 35 U.S.C. § 119(e)**

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).

- ☐ "This application claims the benefit of U.S. Provisional Application(s) No(s):

APPLICATION NO(S):

FILING DATE

_____ / _____	_____ "
_____ / _____	_____ "
_____ / _____	_____ "



### 18. Relate Back—35 U.S.C. § 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appln. no.	Filed on
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The certified copy(ies) has (have)

- ☐ been filed on \_\_\_\_\_, in prior application 0 / \_\_\_\_\_, which was filed on \_\_\_\_\_.
- ☐ is (are) attached.

**WARNING:** The certified copy of the priority application that may have been communicated to the PTO by the International Bureau may not be relied on without any need to file a certified copy of the priority application in the continuing application. This is so because the certified copy of the priority application communicated by the International Bureau is placed in a folder and is not assigned a U.S. serial number unless the national stage is entered. Such folders are disposed of if the national stage is not entered. Therefore, such certified copies may not be available if needed later in the prosecution of a continuing application. An alternative would be to physically remove the priority documents from the folders and transfer them to the continuing application. The resources required to request transfer, retrieve the folders, make suitable record notations, transfer the certified copies, enter and make a record of such copies in the Continuing Application are substantial. Accordingly, the priority documents in folders of international applications that have not entered the national stage may not be relied on. Notice of April 23, 1987 (1079 O.G. 32 to 45).

### 19. Maintenance of Copendency of Prior Application

**NOTE:** The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- A. ☐ Extension of time in prior application

(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)

- ☐ A petition, fee and response extends the term in the pending prior application until \_\_\_\_\_.
- ☐ A copy of the petition filed in prior application is attached.

- B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition filed in the prior application is attached.

**21. Abandonment of Prior Application (if applicable)**

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

*NOTE: According to the Notice of May 13, 1983 (103, TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.*

**22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

*WARNING: "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." M.P.E.P., § 706.07(b), 6th ed., rev. 2.*

*NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.*

*(check the next item, if applicable)*

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

**23. Small Entity (37 C.F.R. § 1.28(a))**

- ☐ Applicant has established small entity status by the filing of a statement in parent application /\_\_\_\_\_ on \_\_\_\_\_.
- ☐ A copy of the statement previously filed is included.

*WARNING: See 37 C.F.R. § 1.28(a).*

*WARNING: "Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P., § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).*

**24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

- ☒ A notification of the filing of this  
*(check one of the following)*

- ☐ continuation
- ☒ continuation-in-part
- ☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.